

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Leon Taylor-Bey,

Plaintiff,

Case No. 23-11958

v.

Judith E. Levy
United States District Judge

Jodi Deangelo and Heidi
Washington,

Mag. Judge Curtis Ivy, Jr.

Defendants.

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**ORDER ADOPTING IN PART
REPORT AND RECOMMENDATION [17]**

Before the Court is Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation ("R&R") (ECF No. 17) recommending the Court deny Plaintiff Leon Taylor-Bey's motion for an urgent safety transfer (ECF No. 2) and motion for injunctive relief and immediate consideration (ECF No. 3) without prejudice. The parties were required to file specific written objections, if any, within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed.

The Court has nevertheless carefully reviewed the R&R and concurs in the majority of its reasoning and in the result. Specifically, the

Court agrees that a preliminary injunction is not warranted absent proper notice to Defendants. *See* Fed. R. Civ. P. 65(a)(1). (*See* ECF No. 17, PageID.117.) While the Court agrees with Judge Ivy that Plaintiff is also not entitled to a temporary restraining order (“TRO”), the Court will deny Plaintiff a TRO because he has not demonstrated a strong likelihood of success on the merits. *See Ne. Ohio Coal. for the Homeless v. Blackwell*, 467 F.3d 999, 1009 (6th Cir. 2006); *see also Obama for Am. v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012) (“When a party seeks a [temporary restraining order] on the basis of a potential constitutional violation, ‘the likelihood of success on the merits often will be the determinative factor.’” (citation omitted)).

Accordingly, the Report and Recommendation (ECF No. 17) is ADOPTED IN PART. Plaintiff’s motion for an urgent safety transfer (ECF No. 2) and motion for injunctive relief and immediate consideration (ECF No. 3) are DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: February 7, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 7, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager